

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
Alexandria, Virginia**

MICROHITS, INC.,	)	
<i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 12cv327 (LO)
v.	)	
	)	
MEGAUPLOAD, LTD.,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFFS' PARTIAL OPPOSITION TO DEFENDANTS' EMERGENCY  
MOTION FOR EXTENSION OF TIME TO FILE ANSWER**

Plaintiffs Microhits, Inc. and Valcom, Inc. oppose, in part, Defendants' Emergency Motion for Extension of Time to File Answer.

Plaintiffs have previously consented to an extension, of three weeks, as to Defendants' time to answer Plaintiffs' Complaint. *See* Dkt. Nos. 12, 13. Plaintiffs do not oppose a limited, further extension of time for Defendants to respond to Plaintiffs' Complaint after the date of the hearing (June 1, 2012) scheduled on Defendants' separately pending Motion to Stay the instant action.<sup>1</sup> However, Plaintiffs respectfully submit that an extension of time for the specific period requested by Defendants (until June 30, 2012) would be unduly generous in the instant circumstances. Defendants were served with copies of Plaintiffs' Complaint on April 10, 2012 and April 13, 2012, respectively.<sup>2</sup> Dkt. Nos. 9, 11. In light of the length of time that has passed since these

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<sup>1</sup> *See* Dkts. Nos. 16, 18.

<sup>2</sup> A third Defendant, Mathias Ortmann, was recently served on May 7, 2012. Plaintiffs will promptly file with the Court the proof of service reflecting Mr. Ortmann's service upon receipt of the original service papers from New Zealand. At this time it does not

service dates, Plaintiffs respectfully submit that the more prudent course would be to grant Defendants several business days (*i.e.*, until June 7 or 8, 2012) to finish preparing their Answer to Plaintiffs' Complaint. As an alternate proposed outer bound on Defendants' response deadline, Plaintiffs respectfully propose June 22, which is twenty-one days beyond the scheduled June 1, 2012 hearing date on Defendants' Motion for Stay. The twenty-one day period between June 1, 2012 and June 22, 2012 corresponds to the twenty-one day response period outlined under Federal Rule 12.

Although the difference between June 22, 2012 and June 30, 2012 may on the surface appear comparatively slight as proposed response deadlines, even such a slight further delay in the instant proceedings could potentially compromise Plaintiffs' interests to the extent it were to impede Plaintiffs' ability to obtain a trial date (and ultimately, a recovery on Plaintiffs' claims from Defendants) preceding that of any other putative civil plaintiff that may file suit against these same Defendants. To the extent (as Plaintiffs' believe will be the case) Defendants' Motion to Stay is denied, a comparatively limited grant of Defendants' Motion (to extend the time to respond solely until June 22) will ensure that Defendants are not rewarded additional time beyond the response deadline called for under the Federal Rules merely for having filed the Motion to Stay in the first instance.

Though a hearing has been scheduled on the instant Motion for May 18, 2012, Plaintiffs consent to the Court's ruling on Defendants' Motion on the papers, in advance of the scheduled hearing.

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appear likely that Plaintiffs will be successful in effecting service on Defendant Vestor Limited.

Respectfully submitted,

/s/

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Counsel for Plaintiffs Microhits, Inc. and  
Valcom, Inc.

May 16, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of May, 2012, I caused copies of the foregoing to be served upon the following via the CM/ECF system:

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\_\_\_\_\_/s/\_\_\_\_\_  
W. Clifton Holmes